

MEDALS, ETC., TO TROOPS, ETC., WHO VOLUNTEERED
THEIR SERVICES IN THE YEAR 1863, ETC.

MAY 12, 1896.—Committed to the Committee of the Whole House on the state of the
Union and ordered to be printed.

Mr. PARKER, from the Committee on Military Affairs, submitted the
following

REPORT:

[To accompany H. Joint Res. 145.]

The Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 145) entitled "A joint resolution to provide for the presentation of medals, etc., to troops, etc., who volunteered their services in the year eighteen hundred and sixty-three," beg leave to submit the following report, and recommend that said joint resolution do pass with amendment.

This is a joint resolution reciting General Orders, No. 195, which read as follows:

GENERAL ORDERS, } WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
No. 195. } Washington, June 29, 1863.

The Adjutant-General will provide an appropriate medal of honor for the troops who, after the expiration of their term, have offered their services to the Government in the present emergency, and also for the volunteer troops from other States that have volunteered their temporary service in the States of Maryland and Pennsylvania.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

The resolution as amended authorizes medals to be presented to the troops named therein, with a proviso that in case of death of the soldier it shall be given to such member of his family as the President may select, with a further proviso for the return of any previous Congressional medal that has been given for the same service only, and that \$5,000 be appropriated to carry the resolution into effect.

We report the joint resolution with amendment. The original contains various misprints in the order, and in the enacting clause enlarges the number of beneficiaries by including all that volunteered before July 15, which was after the battle. We do not feel warranted in doing so. By House Report No. 1276, of the Fifty-third Congress, this joint resolution, as amended, was substantially reported and recommended, the above provisos only being additions. This report recommends the resolution, and adds:

The Honorable Assistant Secretary of War, in a communication addressed to the committee, says:

"It would seem as though no possible objection could be made to the carrying out of General Order 195, quoted in the resolution, but that it should be greatly regretted that the carrying out of said order should have been so long delayed. This order was in the nature of a distinct promise amounting to a contract, and it certainly should be fulfilled on the part of the Government."

In this dark hour of the war, when Maryland and Pennsylvania were invaded, the veteran troops who offered their services to the Government and remained in the service after their enlistment had expired, as well as the volunteer troops of other States who thronged to the defense of those that were invaded, appeared to the Government to be deserving, and your committee think it a matter of honor that this order should be carried out.

The original resolution would enlarge its scope by giving medals likewise to the citizens of the States invaded and to troops that volunteered after the battle was over, and as late as July 15. The committee do not feel warranted in so doing. The honor promised to those who volunteered in the hour of danger would be weakened by extending it to others.

The amendments reported by the committee are as follows:

Amend by striking out the title and preamble, and in lieu thereof insert the following:

Joint resolution to provide for the presentation of medals of honor to certain troops who volunteered their services in eighteen hundred and sixty-three before the battle of Gettysburg, Pennsylvania.

Amend by striking out all after the enacting clause (*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*), viz, lines 3 to 31, inclusive, of the first section, and 1 to 4 of the second section, and insert the following:

That the sum of five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of General Orders, Numbered One hundred and ninety-five, War Department, Adjutant-General's Office, Washington, District of Columbia, June twenty-ninth, eighteen hundred and sixty-three, and which read as follows:

"The Adjutant-General will provide an appropriate medal of honor for the troops who, after the expiration of their term, have offered their services to the Government in the present emergency, and also for the volunteer troops from other States that have volunteered their temporary service in the States of Maryland and Pennsylvania. By order of the Secretary of War: E. D. Townsend, Assistant Adjutant-General."

SEC. 2. That such medal, in case of the death of the soldier entitled thereto, shall be given to such member of his family as the President may select.

SEC. 3. That in case the Congressional medal of honor for most distinguished gallantry in action shall have already been presented for services mentioned in this resolution only, and not specifically for any act of bravery performed by such soldier in action, then such medal shall be returned, or its loss accounted for to the Secretary of War, before the medal hereby authorized shall be presented to such soldier or his family.

The committee herewith annex as an appendix their request to the Secretary of War for information on the subject of medals, his return, and a previous communication from the Secretary therein referred to, by which it appears that the satisfaction of this resolution will fulfill all unfulfilled promises by the Government to grant medals.

In view of that fact this is the only bill on that subject which the committee have felt justified in reporting favorably to the House.

APPENDIX.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 6, 1896.

SIR: Bills have been introduced in the House of Representatives, and referred to the Committee on Military Affairs, to authorize and direct the Secretary of War to issue medals to several organizations and bodies of troops, as special consideration due them for their action in complying with the proclamation of President Lincoln; for promises claimed to have been made by the Secretary of War, and by General Banks, commanding the Department of the Gulf; and on account of their early

response to the President's call for troops to defend the capital and enforce the laws in April, 1861:

- (1) To issue medals to the officers and soldiers of the Sixth Massachusetts Militia.
- (2) To issue medals to the officers and men of 21 companies of the District of Columbia Volunteers for services rendered prior to the 18th of April, 1861.
- (3) To issue medals to the officers and soldiers of the Worth Infantry and York Rifles, of Pennsylvania.
- (4) To issue medals to the officers and soldiers who volunteered in response to the President's proclamation calling for 75,000 men, in April, 1861.
- (5) To issue medals to the militia organizations of New York and Pennsylvania who volunteered in response to the call of the Secretary of War to defend the States of Pennsylvania and Maryland, in June and July, 1863.
- (6) To issue medals to the officers and soldiers of the Army of the Gulf who volunteered under the provisions of General Orders No. 49, calling for 1,000 men to hold themselves in readiness to assault Port Hudson in 1863.

It is provided in each of the several bills that medals so issued shall, in case of the death of the officer or soldier, be given to the widow or eldest heir of the deceased.

It is claimed by the supporters of the bill to grant medals to those who volunteered in compliance with the order of General Banks, that he promised medals to those who should volunteer to constitute what has been called "The Port Hudson Forlorn Hope;" and that the Government has failed to keep the promise of General Banks, and that of the Secretary of War made to the militia of New York and Pennsylvania.

The Committee on Military Affairs of the House of Representatives respectfully transmit the several bills above enumerated to you with the request that you will inform the committee whether there are any unfulfilled promises made by duly authorized officers of the Government to these organizations, or individual officers or men; and if so, what legislation is required to enable the Government to fulfill them.

Very respectfully,

N. M. CURTIS,

For Subcommittee No. 2 of Military Committee, House of Representatives.

The SECRETARY OF WAR.

RECORD AND PENSION OFFICE,

War Department, April 14, 1896.

Respectfully returned to the Secretary of War.

As regards the several classes of troops enumerated by the Military Committee, and referred to in the accompanying bills, it is not known to this office that any promise of the issue of medals has been made by any duly authorized officer of the Government, except as implied by the publication of War Department General Orders, No. 195, of June 29, 1863, relative to certain classes of troops which volunteered their services for the Gettysburg campaign, and the conditional promise of Major-General Banks to members of the "Forlorn Hope" storming party at Port Hudson, La.

Concerning the former promise and the legislation proposed relative thereto, the Committee on Military Affairs, House of Representatives, was fully advised by the Assistant Secretary of War, in reports dated July 13, 1894, and March 16, 1896, respectively. That promise has never been fulfilled.

With regard to the conditional promise made by Major-General Banks to the members of the storming party at Port Hudson, a report was made to the Military Committee by the Secretary of War, April 14, 1892, and a supplementary report December 27, 1895.

It is to be observed that the promise of Major-General Banks to the members of the assaulting column was conditional upon participation in the expected assault upon the enemy's works, and as the assault was not made, the conditions upon which the promise was based were not fulfilled.

F. C. AINSWORTH,

Colonel, United States Army, Chief of Office.

[Second indorsement.]

WAR DEPARTMENT, *April 14, 1896.*

Respectfully returned to Hon. N. M. Curtis, Subcommittee on Military Affairs, House of Representatives, inviting attention to the preceding indorsement hereon. So far as known to this Department the passing of House Resolution No. 145 would fulfill all unfulfilled promises made by the Government to grant medals.

JOSEPH B. DOE,

Assistant Secretary of War.

WAR DEPARTMENT,
Washington City, July 13, 1894.

SIR: In reference to House Resolution No. 141, to provide for the presentation of medals of honor to certain militia and volunteer troops, referred to this Depart-

ment with request for remarks, I have the honor to transmit herewith the remarks of the Major-General commanding the Army and the Chief of the Record and Pension Office, to which your attention is respectfully invited. It would seem as though no possible objection could be made to the proper carrying out of General Orders, No. 125, quoted in the resolution, but that it should be greatly regretted that the carrying out of said order should have been so long delayed. This order was in the nature of a distinct promise amounting to a contract, and it certainly should be fulfilled on the part of the Government. I would respectfully suggest, however, that great care should be exercised in presenting this matter to Congress, to distinguish the medal intended by the general order referred to, and by the resolution, from the "Congressional medal of honor" authorized by joint resolution approved July 12, 1862, and the act approved March 3, 1863. This distinction should be made clear by the name given to the medal itself.

I wish further respectfully to suggest that inasmuch as in certain cases, amounting to several hundred in number, the "Congressional medal of honor" has been presented to certain ones of the militia and troops referred to in this resolution, for the very service described in the resolution, it is respectfully urged that the resolution under consideration should provide that any person entitled to receive the medal referred to in the resolution, who has already received the "Congressional medal of honor" for the service mentioned in the resolution, should not receive the medal conferred by the resolution unless the "Congressional medal of honor" be first returned to the War Department. The reasons for these suggestions are too obvious to need discussion.

Very respectfully, yours,

JOSEPH B. DOE,
Assistant Secretary of War.

The CHAIRMAN OF THE COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

Presentation of medals of honor to the militia and volunteer troops of the several States who volunteered their services for the defense of the States of Maryland and Pennsylvania in the year 1863, prior to and after the battle of Gettysburg, Pa.

The provisions of the pending resolutions are as follows:

"That the President of the United States be, and is hereby, authorized to cause ten thousand medals of honor to be prepared with suitable emblematic devices, and to direct that the same be presented in the name of Congress to such volunteer troops of the several States as, after the expiration of their term, offered their services to the Government in the emergency created by the invasion of the North in eighteen hundred and sixty-three; and to the volunteer troops of the States of New York, New Jersey, and Maryland who volunteered their services in defense of the States of Maryland and Pennsylvania; and for such of the troops from Pennsylvania as volunteered for service in Maryland and served therein, under the call above mentioned, from June fifteenth, eighteen hundred and sixty-three, to July fifteenth, eighteen hundred and sixty-three, inclusive; such medals, in case of the death of a soldier otherwise entitled thereto, to be given to the family. That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this resolution into effect."

It is impossible to state exactly the number of medals required, because many of the troops who would be entitled to medals under the terms of the resolution in question were State organizations, the record of which are not on file in this Department. However, this office is in possession of sufficient data to enable it to say that about 25,000 men were probably entitled to the medals under the terms of the general order of the War Department upon which the pending joint resolution is based. An equal number of medals will doubtless be required if it is proposed to issue one of them to each person who was entitled to it under the order, or to his family if he be dead.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, March 16, 1896.

The SECRETARY OF WAR.